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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Barbara Stuart Robinson,

10 Plaintiff,

11 v.

12 Human Services Campus Incorporated,

13 Defendant.
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No. CV-24-00374-PHX-DWL

ORDER

15 Pending before the Court is Plaintiff's Application for Leave to Proceed In Forma
16 Pauperis (Doc. 2), which the Court denies.

17 As background, on January 4, 2024, Plaintiff filed the complaint in *Robinson v.*
18 *Human Services Campus Incorporated*, 2:24-cv-00022-SPL, along with an application
19 for leave to proceed in forma pauperis ("IFP"). That application indicated that Plaintiff's
20 average gross monthly income amount during the past 12 months was \$0 and that she
21 expected \$0 the following month as well, and it asserted that she had \$0 in monthly
22 expenses. On January 8, 2024, the judge presiding over that action denied the application
23 without prejudice, asserting doubt about the veracity of the allegations therein, and gave
24 Plaintiff a month to either pay the filing fee or file a renewed IFP application that
25 addressed the concerns identified in the order. Two copies of this order were mailed to
26 Plaintiff. Plaintiff did not pay the fee or file a renewed application, and on February 9,
27 2024, the Court dismissed the action without prejudice.

28 On February 23, 2024, Plaintiff filed the above-captioned action. The complaint

1 asserts that this case “stems from a previous case filing that was dismissed . . . due to
 2 insufficiencies to Application for IFP” and asserts that “Plaintiff never received the
 3 previous Order directing her to cure these deficiencies” (Doc. 1.) Plaintiff also filed
 4 an IFP application (Doc. 3) and a motion to allow electronic filing (Doc. 4).

5 Plaintiff asserts that her average gross monthly pay during the past 12 months is
 6 \$820¹ and that she expects the same amount of employment income next month. (Doc. 3
 7 at 1.) She has also been receiving monthly “gifts” from “cash app” in the amount of \$80
 8 per month. (*Id.*) Plaintiff’s only listed monthly expenses are \$236 for food and \$60 for
 9 transportation.

10 The Court cannot find that Plaintiff has established the level of financial need that
 11 would allow Plaintiff to proceed in forma pauperis. *Escobedo v. Applebees*, 787 F.3d
 12 1226, 1234 (9th Cir. 2015) (“An affidavit in support of an IFP application is sufficient
 13 where it alleges that the affiant cannot pay the court costs and still afford the necessities
 14 of life. . . . As this court has recognized, one need not be absolutely destitute to obtain
 15 benefits of the in forma pauperis statute. Nonetheless, a plaintiff seeking IFP status must
 16 allege poverty with some particularity, definiteness and certainty.”) (citations and
 17 quotation marks omitted).

18 Here, Plaintiff can “pay the court costs and still afford the necessities of life.”
 19 *Escobedo*, 787 F.3d at 1234.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff’s Application for Leave to Proceed In Forma
 22 Pauperis (Doc. 2) is **denied**.

23 **IT IS FURTHER ORDERED** that Plaintiff must pay the filing fee by **March 11,**
 24 **2024.**


25 **IT IS FURTHER ORDERED** that the Clerk of Court, without further notice,
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27 ¹ The Court notes that this appears inconsistent with the IFP application Plaintiff
 28 filed in November 2023, which asserted that Plaintiff’s average monthly income over the
 past 12 months was \$360 per week (*i.e.*, over \$1,440 per month), with an expected
 income in December 2023 of \$860 per week (*i.e.*, over \$3,440 for the month). *Robinson*
v. BMO Harris Bank NA, 2:23-cv-02334-DJH, Doc. 2.

1 shall dismiss this case without prejudice if Plaintiff fails to pay the filing fee by **March**
2 **11, 2024.**

3 **IT IS FURTHER ORDERED** that the motion to allow electronic filing by a
4 party appearing without an attorney (Doc. 4) is **granted** in this case only. The party is
5 required to comply with all rules outlined in the District of Arizona's Case
6 Management/Electronic Case Filing Administrative Policies and Procedures Manual,
7 have access to the required equipment and software, have a personal electronic mailbox
8 of sufficient capacity to send and receive electronic notice of case related transmissions,
9 be able to electronically transmit documents to the court in .pdf, complete the necessary
10 forms to register as a user with the Clerk's Office within five days of the date of this
11 Order (if not already on file), register as a subscriber to PACER (Public Access to
12 Electronic Records) within five days of the date of this Order (if this has not already
13 occurred), and comply with the privacy policy of the Judicial Conference of the United
14 States and the E-Government Act of 2002.

15 Dated this 28th day of February, 2024.

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20 Dominic W. Lanza
21 United States District Judge
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